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EXAMINER	
SHEW, JOHN	

ART UNIT	PAPER NUMBER
2664	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/772,687	CAVE ET AL.	
	Examiner	Art Unit	
	John L. Shew	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/9/2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *57-63* is/are allowed.

6)☒ Claim(s) *1,23-35,37-39,47-54 and 56* is/are rejected.

7)☒ Claim(s) *2-22,36,40-46 and 55* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1/30/2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 dependent on claim 1 of copending Application No. 09/772,645 amended 12/13/2004, in view of Elliott et al. (Patent number 6614781).

Claim 1, Application No. 09/772,645 amended 12/13/2004 teaches a method for providing enhanced calling services (Application No. 09/772,645 amended 12/13/2004, Claim 1 line 1) referenced by a system for providing an enhanced calling service, comprising interfacing a first communication device to an asynchronous network (Application No. 09/772,645 amended 12/13/2004, Claim 1 lines 2-4) referenced by comprising a first network interface providing interfacing of a first communication device to an asynchronous network, interfacing a second communication device to said asynchronous network (Application No. 09/772,645 amended 12/13/2004, Claim 1 lines 5-6) referenced by a second communication device in the citation of a node in said asynchronous network, interfacing an interactive response process to said asynchronous network, (Application No. 09/772,645 amended 12/13/2004, Claim 1 line 7) referenced by an interactive response process coupled to said asynchronous network, wherein said interactive response process is adapted to directly utilize packet network protocols (Application No. 09/772,645 amended 12/13/2004, Claim 1 lines 7-8) referenced by an interactive response process adapted to directly utilize packet network protocols, establishing a first signaling channel associated with said first communication device and said interactive response process (Application No. 09/772,645 amended 12/13/2004, Claim 1 lines 10-12) referenced by said interactive response process provides control signals to said first network interface wherein the first network interface interfaces a first communication device, directing under control of said interactive response process using said first signaling channel a first media stream associated with

said first communication device to said second communication device to thereby provide a call (Application No. 09/772,645 amended 12/13/2004, Claim 1 lines 11-13, Claim 5 lines 1-2) referenced by the interactive response process provides control signals to said first network interface to direct at least a portion of said first media stream to a node in said asynchronous network and said node is associated with a called party. Application No. 09/772,645 amended 12/13/2004 does not teach directing a third media stream from said interactive response process to said first communication device during a time in which said first media stream is directed to said second communication device.

Elliott teaches a directing a third media stream from said interactive response process to said first communication device during a time in which said first media stream is directed to said second communication device (FIG. 6C, FIG. 6D, column 42 lines 56-67, column 43 lines 1-6, column 230 lines 22-32, column 233 lines 37-43) referenced by establishing a conference call wherein the media streams of the communication devices are maintained while a third media stream is directed from the IVR to the first communication device to establish a multiparty call by obtaining further code access and phone numbers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the conference calling IVR of Elliott to the Interactive Response Process of Application No. 09/772,645 amended 12/13/2004 for the purpose of communicating both voice and data over a packet-switched network that is adapted to coexist and communicate with a PSTN as suggested by Elliott (column 4 lines 31-34).

Claim 39 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 72 dependent on claims 63, 68, 69, 70 of copending Application No. 09/772,645 amended 12/13/2004, in view of Elliott et al. (Patent number 6614781).

Claim 39, Application No. 09/772,645 amended 12/13/2004 teaches a method for providing enhanced calling services (Application No. 09/772,645 amended 12/13/2004, Claim 63 line 1) referenced by a method for providing call payment services, comprising interfacing a plurality of communication devices to an asynchronous network (Application No. 09/772,645 amended 12/13/2004, Claim 63 line 2, Claim 69 line 3-4, Claim 72 line 2-3) referenced by interfacing a first communication device to an asynchronous network redirect first media stream to a second communication device and dialogue to a desired third communication device where communications devices 1-3 form a plurality of communication devices, interfacing an interactive response process to said asynchronous network (Application No. 09/772,645 amended 12/13/2004, Claim 63 line 3) referenced by interfacing an interactive response process to said asynchronous network, wherein said interactive response process is adapted to directly utilize packet network protocols (Application No. 09/772,645 amended 12/13/2004, Claim 63 line 3-4) referenced by wherein said interactive response process is adapted

to directly utilize packet network protocols, directing a first media stream associated with a first communication device of said plurality of communication devices to said interactive response process (Application No. 09/772,645 amended 12/13/2004, Claim 63 lines 5-6) referenced by directing a first media stream associated with said first communication device to said interactive response process, accepting said first media stream by said interactive response process (Application No. 09/772,645 amended 12/13/2004, Claim 63 line 7) referenced by accepting said first media stream by said interactive response process, determining at least two communication devices of said plurality of communication devices for use in communication as a function of said accepted first media stream (Application No. 09/772,645 amended 12/13/2004, Claim 63 lines 20-22) referenced by redirecting as a function of said accepted information said first media stream to said second communication device wherein determination of the plurality of devices are first and second communication devices, directing a second media stream from said interactive response process to a second communication device of said plurality of communication devices (Application No. 09/772,645 amended 12/13/2004, Claim 63 lines 20-21) referenced by redirecting as a function of said accepted information said media stream from said interactive response process to said second communication device, and directing during a time in which said second media steam is directed from said interactive response process to said second communication device a third media stream from said interactive response process to a third communication device of said plurality of communication devices (Application No. 09/772,645 amended 12/13/2004, Claim 70 lines 4-9, Claim 72 lines 1-3) referenced by

the third media stream directed to said first communication device and an interactive dialogue with respect to a desired third communication device wherein a new media stream is to be established to the third communication device, wherein said third communication device is one of said at least two communication devices of said plurality of communication devices (Application No. 09/772,645 amended 12/13/2004, Claim 63 line 2, Claim 69 line 3-4, Claim 72 line 2-3) referenced by interfacing a first communication device to an asynchronous network redirect first media stream to a second communication device and dialogue to a desired third communication device where communications devices 1-3 form a plurality of communication devices thus communication device 3 is the third communication device of the plurality of communication devices.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 47-54, 56 are rejected under 35 U.S.C. 102(e) as being unpatentable over Elliott et al. (Patent number 6614781).

Claim 47, Elliott teaches a method for providing enhanced calling services (FIG. 1) referenced by Data Network 112 in conjunction to Carrier Facility network 126 providing calling services via the Data Network, comprising interfacing a first communication device to an asynchronous network (FIG. 1, column 5 lines 41-48) referenced by a first communication device Telephone 120 connected to Gateway Site 110 interfacing to asynchronous Data Network 112 which is an IP based network, interfacing a second communication device to said asynchronous network (FIG. 1) referenced by second communication device Telephone 102 connected to Gateway Site 108 interfacing to asynchronous Data Network 112, interfacing an interactive response process to said asynchronous network (FIG. 6D, column 19 lines 44-52) referenced by Calling Card IVR 632 connected to Gateway Site 110 via packet based ISDN PRI facilities interfacing to asynchronous Data Network 112 wherein the Gateway Site 110 extends the packet based Data Network 112 to cover the Calling Card IVR 632 and Operator Services 628, wherein said interactive response process is adapted to directly utilize packet network

protocols (column 43 lines 2-6) referenced by use of packet network protocols IPDC and SR-3511 adapted to ISDN PRI, interfacing an operator system to said interactive response process (FIG. 6C, column 42 lines 56-59) referenced by IVR services provided off-switch similar to operator services, establishing a first signaling channel associated with said first communication device and said interactive response process (FIG. 1, FIG. 6C, FIG. 6D, column 42 lines 56-67, column 43 lines 1-6, column 224 lines 35-46) referenced by control signals H.323 from the Soft Switch 204 via Gateway Site 110 to the IVR 632 connecting Telephone 120 to a Calling Card IVR, directing under control of said interactive response process using said first signaling channel a first media stream associated with said first communication device to said second communication device (FIG. 2B) referenced by IVR in combination with Soft Switch 304 control of RTP/UDP/IP media stream between Telephone 120 and Telephone 102, receiving at said interactive response process signaling information from said first communication device indicating a desire to communicate with said operator system (column 223 lines 13-19) referenced by the first communication device accessing an operator by dialing "00" which is signaling information to connection to operator services, redirecting under control of said interactive response process using said first signaling channel said first media stream associated with said first communication device from said second communication device to said operator system (column 225 lines 4-7) referenced by re-origination feature allowing the calling party of the first communication device to connect to operator service to originate a new call once the call to the second communication device is terminated, and directing a third media

stream from said operator system to said first communication device (column 225 lines 4-7) referenced by re-origination feature wherein the first communication device is connected to the operator service by depressing for 2 full seconds.

Claim 48, Elliott teaches said operator system provides automated operator functions (FIG. 6C, column 42 lines 56-59) referenced by IVR which is an automated system providing operator services.

Claim 49, Elliott teaches said operator system provides live operator interaction (column 223 lines 17-35) referenced by a connection to operator services bureau for a live operator.

Claim 50, Elliott teaches said first media stream redirected to said operator system is directed from said first communication device through said interactive response process to said operator system (FIG. 6C, column 224 lines 19-46, column 20-35) referenced by Calling Card IVR obtaining the calling card authorization followed by a "00" entry to redirect the call to operator services.

Claim 51, Elliott teaches establishing a second signaling channel associated with said second communication device and said interactive response process (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operators services collect calls which requires establishing a second signaling channel associated to the second

communication device Telephone 102 via Soft Switch 204 to confirm acceptance of charges, directing under control of said interactive response process using said second signaling channel a second media stream associated with said second communication device to said first communication device (FIG. 2B) referenced by acceptance of collect charges and using second signaling channel 259 to connect second communication device Telephone 102 to the first communication device Telephone 120, during a time in which said first media stream is directed from said first communication device to said second communication device (FIG. 2B) referenced by the call between first media stream of first communication device Telephone 120 and second media stream of second communication device Telephone 102.

Claim 52, Elliott teaches said interactive response process tears down said second media stream directed to said first communication device when said first media stream is redirected to said operator system (column 225 lines 4-7) referenced by the re-origination feature wherein the connection from first communication device Telephone to second communication device Telephone is terminated and the first communication device Telephone is connected to IVR operator service by depressing for 2 seconds allowing the first communication device Telephone to re-originate a call to a new communication device Telephone.

Claim 53, Elliott teaches a fourth media stream is directed to said second communication device from said interactive response process during a time in which

said first media stream is redirected to said operator system (column 230 lines 22-32, column 227 line 50-53) referenced by three-way calling wherein the first media stream is redirected to the IVR to obtain another destination number to conference and the second communication device receives a fourth media stream of music on-hold while waiting.

Claim 54, Elliott teaches said fourth media stream does not include content from either of said first media stream or said third media stream (column 230 lines 22-32, column 227 line 50-53) referenced by three-way calling wherein the first media stream is redirected to the IVR to obtain another destination number to conference and the second communication device receives a fourth media stream of music on-hold while waiting.

Claim 56, Elliott teaches directing a first media stream associated with said first communication device to said interactive response process (FIG. 2B, FIG. 6D) referenced by first media stream associated to communication device Telephone 120 to Calling Card IVR 632, accepting said first media stream by said interactive response process (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, generating a response media stream by said interactive response process responsive to said first media stream (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, directing said response media stream to said first communication device (column 224 lines 35-46) referenced by the

IVR connection to request the calling card number, accepting information from said first communication device via said first signaling channel (column 224 lines 35-46) referenced by the acceptance of the authorization code and destination telephone number to which the call will be connected, and controlling said directing of said first media stream to said second communication device as a function of said accepted information to thereby redirect said first media stream from said interactive response process to said second communication device (FIG. 2B, column 224 lines 35-46) referenced by connecting the first media stream associated to the first communication device Telephone 120 to the second media stream associated to the second communication device Telephone 102 as directed by the Soft Switch 304 in response to the telephone digits collected by the Calling Card IVR.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott as applied to claims 47-54, 56 above, in view of Cave (Patent number 5754631).

Claim 23, Elliott teaches a method for providing enhanced calling services (FIG. 1) referenced by Data Network 112 in conjunction to Carrier Facility network 126 providing calling services via the Data Network, comprising interfacing a first communication device to an asynchronous network (FIG. 1, column 5 lines 41-48) referenced by a first communication device Telephone 120 connected to Gateway Site 110 interfacing to asynchronous Data Network 112 which is an IP based network, interfacing a second communication device to said asynchronous network (FIG. 1) referenced by second communication device Telephone 102 connected to Gateway Site 108 interfacing to asynchronous Data Network 112, interfacing an interactive response process to said asynchronous network (FIG. 6D, column 19 lines 44-52) referenced by Calling Card IVR 632 connected to Gateway Site 110 via packet based ISDN PRI facilities interfacing to asynchronous Data Network 112 wherein the Gateway 110 extends the packet based Data Network 112 to cover the Calling Card IVR 632 and Operator Services 628, wherein said interactive response process is adapted to directly utilize packet network protocols (column 43 lines 2-6) referenced by use of packet network protocols IPDC and SR-3511 adapted to ISDN PRI, establishing a first signaling channel associated with said first communication device and said interactive response process (FIG. 1, FIG. 6C, FIG. 6D, column 42 lines 56-67, column 43 lines 1-6, column 224 lines 35-46)

referenced by control signals H.323 from the Soft Switch 204 via Gateway Site 110 to the IVR 632 connecting Telephone 120 to a Calling Card IVR to obtain authorization code and destination number, directing under control of said interactive response process using said first signaling channel a first media stream associated with said first communication device to said second communication device to thereby provide a call (FIG. 2B) referenced by IVR in combination with Soft Switch 304 control of RTP/UDP/IP media stream between Telephone 120 and Telephone 102. Elliott does not teach a whisper communication mode nor a recording function.

Cave teaches replicating said first media stream to thereby provide a third media stream (FIG. 4) referenced by first media stream output of Line Terminal Interface 35 replicated as a third media stream output of Summer 33C, directing said third media stream to said interactive response process (FIG. 4) referenced by Voice Response Unit, during a time in which said first media stream is directed to said second communications device (column 1 lines 5-11) referenced by 3-way call conference connecting multiple communications devices, and recording said third media stream by said interactive response process (FIG. 4) referenced by voice record function 22R.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 24, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function.

Cave teaches said first communication device signaling said interactive response process through said first signaling channel (FIG. 4, column 3 lines 61-64, column 4 lines 32-44) referenced by Voice Response Unit connecting first media stream output of Line Terminal Interface 35 through first signaling channel via VRU control of robotic function associated to resources, and during a time in which said first media stream is directed to said second communication device (FIG. 4, column 1 lines 5-11) referenced by 3-way call conference wherein first media stream output of Line Terminal Interface 35 is directed to said second communication device second media stream output of Summer 33A, to commence recording said third media stream (FIG. 4) referenced by third media stream output of Summer 33C, wherein said replicating said first media stream is performed under control of said interactive response process (FIG. 4) referenced by replicated first media stream output of Summer 33C is performed by Voice Response Unit, responsive to said signaling from said first communication device to commence recording said third media stream (FIG. 4, column 1 lines 34-41) referenced by the customer using a robotic function resources to record the conversation shown as third media stream output of Summer 33C to recording function 22R.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice

Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 25, Elliott teaches establishing a second signaling channel associated with said second communication device and said interactive response process (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operators services collect calls which requires establishing a second signaling channel associated to the second communication device Telephone 102 via Soft Switch 204 to confirm acceptance of charges, directing under control of said interactive response process using said second signaling channel a second media stream associated with said second communication device to said first communication device (FIG. 2B) referenced by acceptance of collect charges and using second signaling channel 259 to connect second communication device Telephone 102 to the first communication device Telephone 120.

Claim 26, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function.

Cave teaches replicating said second media stream to thereby provide a fourth media stream (FIG. 4) referenced by VRU replicating second media stream at input of Summer 33A with the replicated fourth media stream going to input of Summer 33C, directing said fourth media stream to said interactive response process during a time in which said second media stream is directed to said first communication device (FIG. 4,

Abstract lines 1-10) referenced by the replication of the media stream within the VRU while the 3-way conference among Telephones 13 are active, recording said fourth media stream by said interactive response process (FIG. 4 column 1 lines 14-24) referenced by voice record function 22R recording the conference conversation.
It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 27, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function with a summer function.
Cave teaches said third and fourth media streams are summed prior to recording (FIG. 4) referenced by Summer 33C which sums the third and fourth media streams for recording at recording function 22R.
It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 28, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function.

Cave teaches said third media stream is recorded discrete from said fourth media stream (FIG. 4) referenced by third media stream output of Summer 33C to recording function 22R which is discrete from fourth media stream output of Summer 33A to second communication device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 29, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function.

Cave teaches said recorded third media stream is transmitted to a user associated with at least one of said first communication device and said second communication device (FIG. 4) referenced by third recorded media stream playback function 22P to Summer 33B associated to first media stream output Line Terminal Interface 35 to first communication device Telephone, wherein said transmission of said recorded third media stream is separate from said first and second signaling channels and said first and second media streams (FIG. 4) referenced by recorded third media stream output

of playback function 22P is separate from first media stream output of Line Terminal Interface 35 and second media stream output of Summer 33A along with their respectively signaling channels.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 30, Elliott teaches an Interactive Voice Response unit connected via a computer network (FIG. 6D) referenced by Calling Card IVR 632 connected via Data Network 112. Elliott does not teach recording within the IVR.

Cave teaches Voice Response Unit with voice recording (FIG. 4) referenced by the Rec 22R and Play 22P function.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit and data network of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 31, Elliott teaches the computer network comprises the Internet (column 19 lines 59-67, column 20 lines 1-4) referenced by Data Network 112 including the global Internet.

Claim 32, Elliott teaches an Interactive Voice Response unit connected via a computer network (FIG. 6D) referenced by Calling Card IVR 632 connected via Data Network 112. Elliott does not teach e-mail transmission.

Cave teaches said recorded third media stream includes e-mail transmission (column 4 lines 32-44) referenced by text-to-speech feature wherein a recorded e-mail text can transmitted to the caller via text-to-speech.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit and data network of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 33, Elliott teaches an Interactive Voice Response unit connected via a computer network (FIG. 6D) referenced by Calling Card IVR 632 connected via Data Network 112. Elliott does not teach recording within the IVR.

Cave teaches said recorded third media stream is transmitted to a user associated with said first communication device and a user associated with said second communication device (column 1 lines 14-24, lines 34-42) referenced by 3-way conferencing wherein the recorded media stream is playback to both parties thereby transmitted to a first communication device telephone and a second communication device telephone simultaneously.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the recording function of the Voice Response Unit of Cave to

the Interactive Voice Response unit and data network of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 37, Elliott teaches directing a first media stream associated with said first communication device to said interactive response process (FIG. 2B, FIG. 6D) referenced by first media stream associated to communication device Telephone 120 to Calling Card IVR 632, accepting said first media stream by said interactive response process (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, generating a response media stream by said interactive response process responsive to said first media stream (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, directing said response media stream to said first communication device (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, accepting information from said first communication device via said first signaling channel (column 224 lines 35-46) referenced by the acceptance of the authorization code and destination telephone number to which the call will be connected, and controlling said directing of said first media stream to said second communication device as a function of said accepted information to thereby redirect said first media stream from said interactive response process to said second communication device (FIG. 2B, column 224 lines 35-46) referenced by connecting the first media stream associated to the first communication device Telephone 120 to the second media stream associated to the second

communication device Telephone 102 as directed by the Soft Switch 304 in response to the telephone digits collected by the Calling Card IVR.

Claim 38, Elliott teaches interfacing a third communication device to said asynchronous network replicating said first media stream to thereby provide a second media stream and directing under control of said interactive response process using said first signaling channel said second media stream to said third communication device during a time in which said first media stream is directed to said second communication device (FIG. 1, column 220 lines 21-25) referenced by three-way conferencing which interfaces a third communication device Telephone 122 to asynchronous Data Network 112 replicating the first media stream associated to first communication device Telephone 120 to second media stream associated to second communication device Telephone 102 and through IVR conferencing using Soft Switch signaling channel.

3. Claims 34, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott and Cave as applied to claims 23-33, 37-38, 47-54, 56 above, and further in view of Blair et al. (Patent number 6404857) .

Claim 34, Elliott and Cave teaches an IVR voice over data network with recording features. They do not teach recorded redirection to a third party device nor the use of standardized format files.

Blair teaches said recorded media stream is transmitted to a user device different that said first communication device and said second communication device (FIG. 1, column 6 lines 21-32) referenced by the Digital Voice Recorder 18 sending the recorded speech to Data/Speech Storage 40 which is different from first and second communication device telephones.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the recording function of Blair to the Interactive Voice Response unit of Elliott and Cave for the purpose recording two-way telecommunications traffic to safeguard against abusive and fraudulent use of the telecommunications network.

Claim 35, Elliott and Cave teaches an IVR voice over data network with recording features. They do not teach recorded redirection to a third party device nor the use of standardized format files.

Blair teaches recording of said third media stream is in a standardized format adapted for general utilization (FIG. 2, column 6 lines 33-45) referenced by packet header 44 and packet body 46 inclusive of the captured audio data as representative of a standardized storage format.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the recording function of Blair to the Interactive Voice Response unit of Elliott and Cave for the purpose recording two-way telecommunications traffic to safeguard against abusive and fraudulent use of the telecommunications network.

Allowable Subject Matter

2. Claims 57-62 are allowed.

Claims 2-22, 36, 40-46, 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Examiner has reviewed of the arguments traversing the claim rejections. Examiner respectfully traverse the arguments pertaining to claims 23-35,37-38, 47-54, 56 as non-persuasive.

Claim 23, Elliott teaches interfacing an interactive response process to said asynchronous network (FIG. 6D, column 19 lines 44-52) referenced by Calling Card IVR 632 connected to Gateway Site 110 via packet based ISDN PRI facilities interfacing to asynchronous Data Network 112 wherein the Gateway 110 extends the packet based Data Network 112 to cover the Calling Card IVR 632 and Operator Services 628, wherein said interactive response process is adapted to directly utilize packet network protocols (column 43 lines 2-6) referenced by use of packet network protocols IPDC and SR-3511 adapted to ISDN PRI. The network requires signaling to control call direction. This signaling is through the Soft Switch 204 which forms the core of the telecommunications network. Through the Soft Switch, call control is either through SS7 signaling or IPDC signaling for setting up and tearing down calls either through the PSTN or IP networks. The use of a Gateway 110 to the Calling Card IVR 632 shows a IP packet based control network, thus is directly utilizing packet network protocols. Elliott teaches establishing a first signaling channel associated with said first communication device and said interactive response process (FIG. 1, FIG. 6C, FIG. 6D, column 42 lines 56-67, column 43 lines 1-6, column 224 lines 35-46) referenced by

control signals H.323 from the Soft Switch 204 via Gateway Site 110 to the IVR 632 connecting Telephone 120 to a Calling Card IVR to obtain authorization code and destination number, wherein a signaling channel must be established in order to connect the telephone to the Calling Card IVR since the IVR is an audio media stream based system. Without signaling, no call connection can be made. The subsequent authorization code through the audio media stream still requires the initial call setup via the signaling channel.

Elliott teaches directing under control of said interactive response process using said first signaling channel a first media stream associated with said first communication device to said second communication device to thereby provide a call (FIG. 2B) referenced by IVR in combination with Soft Switch 304 control of RTP/UDP/IP media stream between Telephone 120 and Telephone 102. The Calling Card IVR interacts with the Telephone 120 for authorization and destination number. Once the information is received the necessary signaling is implemented to redirect the call from origination telephone 120 to destination telephone 102, thus the IVR directs the control of the call based on the destination number.

For the above reasons, thus the current rejections pertaining to independent claim 23 and dependent claims 24-35, 37-38 are maintained.

Claim 47, Elliott (FIG. 6C) clearly shows a calling card IVR system 632 and an Operator Services system 628. Elliott cites the use of the calling card service to obtain the

operator service (column 223, lines 13-19). Thus the two services are operationally connected. It is clear the two systems can be integrated as one system as opposed to two separate systems.

Elliott teaches establishing a first signaling channel associated with said firs communication device and said interactive response process (FIG. 1, FIG. 6C, FIG. 6D, column 42 lines 56-67, column 43 lines 1-6, column 224 lines 35-46) referenced by control signals H.323 from the Soft Switch 204 via Gateway Site 110 to the IVR 632 connecting Telephone 120 to a Calling Card IVR, wherein the audio media stream connection of the telephone 120 to the Calling Card IVR must first be setup via signaling without which there is no audio media stream connection.

Elliott teaches receiving at said interactive response process signaling information from said first communication device indicating a desire to communicate with said operator system (column 223 lines 13-19) referenced by the first communication device accessing an operator by dialing "00" which is signaling information to connection to operator services, wherein the availability of operator services are made available through calling card IVR services with the method of reaching operator services is via dialing "00". The method is only an example. Alternate methods of control transfer from a calling card IVR to operator services can be used to achieve operator service availability from the calling card IVR.

Elliott teaches redirecting under control of said interactive response process using said first signaling channel said first media stream associated with said first communication device from said second communication device to said operator system (column 225

lines 4-7) referenced by re-origination feature allowing the calling party of the first communication device to connect to operator service to originate a new call once the call to the second communication device is terminated, wherein the re-origination is from the calling card IVR back to the operator services via dialing "00".

Elliott teaches directing a third media stream from said operator system to said first communication device (column 225 lines 4-7) referenced by re-origination feature wherein the first communication device is connected to the operator service by depressing for 2 full seconds, wherein the 2 seconds allows for termination of original call prior to re-origination. The subsequent origination would require a re-direction to operator services as effected by dialing "00". The third media stream is required in order to achieve audio stream communication with the operator services.

For the above reasons, thus the current rejections pertaining to independent claim 47 and dependent claims 48-54 and 56 are maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Shew whose telephone number is 571-272-3137. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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